

Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, August 3, 2006, 7:00 p.m.
Council Chambers, 26379 Fremont Road

cc: Cassettes (2) #9-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

Staff: Debbie Pedro, Planning Director; Brian Froelich, Assistant Planner; Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF KIRK AND STUBBS, 26691 MOODY ROAD AND 26811 MOODY COURT (3-04-LLA); A request for a Lot Line Adjustment and Conditional Exception per Section 9-1.1501. The proposal would increase the size of the property at 26691 Moody Road (Kirk) from 0.34 to 0.54 acres. The proposal would reduce the size of the property at 26811 Moody Court (Stubbs) from 0.99 acres to 0.94 acres, which is less than the minimum lot size requirement per Section 9-1.604. CEQA Review: exempt per 15305 Class 5 (a). (staff-Brian Froelich)

Brian Froelich, Assistant Planner, presented the staff report explaining the proposed lot line adjustment involved three properties and two property owners. The two Lands of Kirk lots would be merged into one and square footage would be transferred from the Lands of Stubbs to the Lands of Kirk. The Subdivision Ordinance allows the Planning Commission to make recommendations to the City Council for a conditional exception subject to two findings. The first finding requires a special circumstance or condition affecting the property. This requirement was addressed in that the Kirk property is 76 feet deep and with required setbacks only 6 feet is available for building area. There is a creek on the property which restricted building area further in terms of required setbacks. The second finding requires any other land owner not be deprived of reasonable use of their land. The application does not introduce any non permitted uses to any property and would have no anticipated effect to any other lands. Both property owners had signed applications.

Commissioner Carey questioned why the Kirk structures were partially located on the Stubbs property. Brian Froelich explained that the buildings were originally approved by the County in

1930 but no site plan was available. County tax records exist to verify that the buildings were on record and the error was probably done during construction.

Commissioner Clow asked if there was any reason the Stubbs property could not be reduced from .99 to .94 acres (net). Brian Froelich replied that the properties have less than 10 percent slope and are required to have a lot unit factor of 1.0 and at least one acre according to the LUF formula. The properties are now non-conforming and would remain non-conforming with the lot line adjustment. However, the Stubbs property would become further non-conforming. The Planning Commission can make a recommendation to the City Council on this type of proposal.

Commissioner Carey requested information on any other applications for building or changes in structures on the properties. Brian Froelich replied that a fence application had been submitted but no floor area or development area proposals.

Commissioner Harpootlian sought clarification on the timeframe for the applicant to comply with engineering conditions of the lot line adjustment before expiration. He commented on the positive factors of the application but did not feel that the structures encroaching on the Stubbs property was a reason to grant the lot line adjustment. He felt the lots are extremely constrained due in part to the creek location.

OPENED PUBLIC HEARING

Craig Kirk, Applicant, stated that the house is very close to the street with little area for a backyard.

Chairman Collins asked what prompted the request for a lot line adjustment.

Mr. Kirk explained that the house does have side yard area but he wanted some backyard area and Mr. Stubbs agreed to adjust his lot to increase Kirk's property size.

Mr. Stubbs, Applicant, stated he had seen the plan and his signature was on the application.

CLOSED PUBLIC HEARING

Commissioner Cottrell supported the application and stated the three non-conforming lots would be combined to result in two non-conforming lots. He felt that the two neighbors were accommodating each other and he saw no reason to object.

Commissioner Harpootlian expressed that he wished to strike the first section of Attachment 2 but otherwise had no problem with the application.

Commissioner Carey would approve the project based on the Town's zoning ordinances.

Commissioner Clow supported the application and stressed the importance of combining non-standard lots to create larger lots.

Chairman Collins supported the application and commented the land transfer was an agreement between the applicants.

MOTION SECONDED, AMENDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to recommend approval of the lot line adjustment and conditional exception to the City Council subject to the applicant's submittal of a legal description and plot map for review and approval by the City Engineer and recordation of a certificate of compliance and strike the first sentence of Finding A in Attachment 2 that states "Both approved residential buildings (house and garage) on the Kirk property currently are located with portions over the property boundary of the Stubbs property".

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian

NOES: None

4. OLD BUSINESS

- 4.1 ESTATE HOMES ORDINANCE-Proposed ordinance recommended by the Ad Hoc Planning Committee defines "estate homes" and addresses the calculation of floor area, setbacks, and the approval process for estate homes. (staff-Brian Froelich)

Brian Froelich, Assistant Planner stated in the staff report that the Ad Hoc Planning Committee had worked on the Estate Homes Ordinance for several months. At the May 4th Planning Commission meeting the item had been reviewed and discussed. The Commission then requested Staff to meet with the Ad Hoc Committee and return at a future meeting. Mr. Froelich gave a brief summary of the Ordinance and explained the Estate Home definition as any primary dwelling totaling 10,000 square feet or more. Homes with any square footage over the 10,000 square foot measurement would have that amount counted twice in the MFA. Estate Homes would not be eligible for the Fast Track process and would come before the Planning Commission. Specific findings would be required for approval and additional setbacks necessary depending on the size of the house. Staff is requesting clarification on the topics of whether Estate Homes should be 10,000 square feet or 12,000 square feet in size and if Estate Homes should have greater setbacks. Direction is requested so the Estate Homes Ordinance can be completed by staff, returned to Planning Commission and then forwarded to City Council.

Commissioner Clow explained the differences in the two charts relating to Estate Home setbacks. The first chart applies incremental setbacks according to the height and the size of the home and the second chart creates a standard setback for Estate Homes.

Debbie Pedro, Planning Director, stated that the Planning Commission has the authority to require additional setbacks and Estate Homes would automatically be reviewed by the Commission and not qualify for the Fast Track process. This creates an opportunity for requirement of additional setbacks for an Estate Home.

Chairman Collins requested Commission input on the question of the 10,000 square foot or 12,000 square foot designation for Estate Home size. Ms. Collins established that the Planning Commissioners agreed that the 10,000 square feet definition was appropriate.

Commissioner Harpootlian could not support floor area being counted twice. He felt that was artificially using floor area to restrict house size.

Commissioner Carey noted the precedent of ceilings over 17 feet high being counted twice as floor area.

Chairman Collins confirmed that the majority of the Commission supported the double counting of floor area over 10,000 square feet.

Debbie Pedro asked the Planning Commission to discuss the setback issue. Ms. Pedro asked for clarification on the Commission's decision to double count floor area over 10,000 square feet and whether the effective floor area would be used for the purpose of setback requirements.

Discussion continued among the Planning Commissioners and staff regarding the doubling of floor area over 10,000 square feet and the implications it held for setbacks, MDA and MFA.

Debbie Pedro stated that for the purpose of implementing the ordinance it probably would be easier to use the effective floor area (double counted floor area) for all purposes. She suggested returning to the Commission with an improved setback chart that more clearly reflected the requirements.

Commissioner Harpootlian asked for clarification on the Planning Commission findings required before approving an Estate Home in Attachment One.

Brian Froelich, Assistant Planner, called attention to the required findings in Attachment 2 (page 3, G1-7) of the staff report. He explained that the findings are new and would not need to be addressed for projects other than Estate Homes.

Commissioner Cottrell felt that the findings were mandatory and wished to leave out the need for findings and require guidelines to be followed instead.

Commissioner Carey felt he wanted to eliminate the required findings entirely and have staff move forward without it.

Chairman Collins wanted to continue to try to make the findings work in the ordinance.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to recommend that staff move forward with changes (eliminate G) to the ordinance and return to the Planning Commission at a future date.

AYES: Commissioners Clow, Carey, Cottrell & Harpootlian
NOES: Chairman Collins

The Commissioners concluded that landscaping screening plans for Estate Homes should be reviewed by the Planning Commission.

5. NEW BUSINESS

- 5.1 WATER EFFICIENT LANDSCAPING ORDINANCE - Proposed ordinance recommended by the Purissima Hills Water District amends the site development review process to require submittal of landscaping and irrigation plans and water use data for review by the Water District. (staff-Debbie Pedro)

Debbie Pedro, Planning Director presented the staff report highlighting the key elements of the ordinance. Homeowners building new residences would be required to submit a comprehensive landscape plan prepared by a licensed Landscape Architect or a certified irrigation designer. Also required would be an irrigation schedule with water use calculations and a maintenance schedule. That information would be forwarded to the Purissima Hills Water District (PHWD) for review and the homeowner would be provided with an estimated cost of water usage based on the landscape plans. The purpose of the review would be to evaluate the efficiency of the landscape plan and to educate the homeowner on the potential water cost and the consequences to the landscape plantings in the event of a drought. Ms. Pedro explained that tonight is just a study session and the Planning Commission was not asked for a vote tonight but to discuss the ordinance and provide staff with direction.

Maurice Johnson, President of the Purissima Hills Water District Board, mentioned the drought of 17 years ago and the difficulty of obtaining enough water at the time. He claimed that 80 percent of the Los Altos Hills water allocation is used for landscaping purposes.

Commissioner Carey wanted clarification on the percentage of water used for landscaping in Los Altos Hills.

Chairman Collins questioned if a rate increase would help control the water usage for landscaping plantings.

Commissioner Harpootlian thanked Mr. Johnson for his years of service on the Purissima Hills Water Board. He was concerned about the limited enforcement of the ordinance because it affected only Purissima Hills Water District users and not other water company users (California Water Company).

Commissioner Clow questioned why fees could not be increased for users of large amounts of water.

Maurice Johnson stated that there are people in Town that don't care if their water bills are very high.

Commissioner Cottrell asked whether the landscaping water use could be regulated. Mr. Johnson stated that their attorney had advised the Water District that they could not regulate the usage of the water. Commissioner Cottrell said that the Town could have control over what was planted.

OPEN PUBLIC HEARING

Mary Davey, La Cresta Drive, stated she was very interested in the Water Efficiency Landscape Ordinance and conservation of water in the area and expressed her appreciation to the Planning Commission for looking at the issues involved.

Sandra Humphries, Environmental Design Committee, said that the Environmental Design Committee was very much in favor of the Ordinance. She noted that some of the information in the Landscaping Guidelines needed to be updated.

Commissioner Harpootlian asked the role of the Environmental Design Committee in review of landscape plantings.

Ms. Humphries confirmed that the Committee reviews the plans for use of native plants and makes suggestions but has no enforcement capability.

Pat Ley, Chairman of the Environmental Design Committee, explained that the Committee notes if plantings on a landscape submittal are not appropriate and reviews the plants specified but does not have the power to determine what is finally decided.

Chairman Collins discussed limiting plant types for landscaping to California native plants or consideration of lawn area size restrictions.

Alex Vayntrub, Purissima Hills Water District Board member, brought up the point that remodeling projects as well as new construction could be addressed by the ordinance. From the surveys done by the Water District it is known that there is a substantial increase in water usage after a major remodel. If a seismic event on the Hayward fault occurred and disrupted the water available for all uses, homeowner investment in landscaping would be in jeopardy. The educational effort that the Water District is promoting by reviewing and commenting on landscape plans would inform people of risks in a design.

CLOSED PUBLIC HEARING

Maurice Johnson stressed the Water District's need for the Planning Commission's support on the ordinance.

Commissioner Carey asked if the Purissima Hills Water District would be agreeable to review landscape plans submitted both by their customers and those plans submitted by California Water Company customers.

Bob Anderson, PHWD Board member, mentioned computer programs available to calculate water usage by homeowners to determine a household's consumption. Homeowners could have these usage calculations done by the Water District. He considers the cost of the District's water a bargain considering the quality of the water.

Chairman Collins asked staff if it would be difficult to incorporate the Water District landscape plan review proposal into the overall plan review process.

Discussion ensued on topics of water usage, the need for required professional landscape plan preparation, the cost of developing the plans, irrigation system plan submittal and at what degree of home improvement screening and landscape plans should be requested.

Sandra Humphries, Environmental Design Committee, suggested that applicants use the Water District's advice if a landscape professional is not the plan designer.

Chairman Collins, Commissioners Clow and Cottrell had reservations on the proposed requirement of a certified professional to prepare plans. Chairman Collins preferred to stay with the current process that does not require a Landscape Architect to draw landscape plans. Commissioner Cottrell stated that he had no problem with landscape plans submitted for any reason being reviewed by the Water District. He could not support requiring plans to be prepared by a certified professional and with added expense for the homeowner. Commissioner Clow was alarmed at the possibility of requiring formal landscape plans that create extra difficulty for all concerned.

Pat Ley said that the Town provides a list of drought tolerant plants and homeowners can see the types of plants that require more water than others.

Commissioner Carey stressed the need for more education for homeowners on water conservation.

Debbie Pedro, Planning Director, suggested that the Environmental Initiatives Committee (EIC) review the ordinance and provide comments. The Planning Commission may request to bring the Water Efficient Landscape Ordinance back to the next meeting with those comments. Peter Evans, Chairman of the EIC, had extended an invitation to meet with the Water District in August to discuss water conservation issues. Alternative ideas may be produced at that meeting and may change the ordinance. The key seems to be whether this ordinance is the correct mechanism to begin educating homeowners on landscape water usage.

Planning Commissioners discussed the issue of the Environmental Initiatives Committees need for involvement before the Commission's decision on the ordinance.

Commissioner Cottrell explained that there is a planning process currently in place and if during that process a landscape plan is required, the plan could be submitted to the Water District for review.

Commissioner Carey suggested including an irrigation plan showing how the landscape would be watered.

Commissioner Clow suggested adding a notation to the landscape plan on the proposed means of watering the plants.

Debbie Pedro, Planning Director, brought to the Commissioner's attention that landscape plans are internally routed to the Environmental Design Committee and the same routing procedure may be done for Purissima Hills Water District review instead of adopting a new ordinance. The landscape submittal requirement checklist could be modified to include a notation indicating the type of landscape irrigation utilized in the plan. The Planning Commission would be making a minor change to the landscape review process instead of recommending a new ordinance.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to direct staff to change the landscape review process to forward all landscaping plans to the Purissima Hills Water District for comments.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell and Harpootlian
NOES: None

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for July 27th, Commissioner Clow, reported on City Council Agenda item #11.2 in which the City Council directed staff to amend the Site Development Zoning Code to delete the term Highly Visible Lots and return the item back to City Council.

6.2 Planning Commission Representative for Sept 14^h-Commissioner Harpootlian

6.3 Planning Commission Representative for Sept. 24th-Chairman-Collins

6.4 Planning Commission Representative for Oct. 12th-Commissioner Carey

7. APPROVAL OF MINUTES

7.1 Approval of July 20, 2006 minutes

MOTION SECONDED AND APPROVED BY THE FOLLOWING VOICE VOTE: Motion by Commissioner Cottrell, seconded by Commissioner Clow to approve the July 20, 2006 minutes as presented.

AYES: Chairman Collins, Commissioners Carey, Clow, Cottrell & Harpootlian
NOES: None

8. REPORT FROM FAST TRACK MEETING-JULY 25 AND AUGUST 1, 2006

8.1 LANDS OF WANG, 25617 Elena Road (2-06-ZP-SD) A request for a Site Development Permit for a 4,570 sq. ft. new residence (maximum height 24'6"). CEQA Review: Categorical Exemption per Section 15303(a) (staff-Debbie Pedro) Approved with conditions.

- 8.2 LANDS OF DAVILA, 24005 Oak Knoll Circle (60-06-ZP-SD-GD) A request for a Site Development Permit for a 7,538 sq. ft. two-story new residence with a 644 sq. ft. basement (maximum height 27'), a 865 sq. ft. secondary dwelling unit and a 800 sq. ft. swimming pool. CEQA review: Categorical Exemption per Section 15303(a) (staff-Debbie Pedro) Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING-JULY 25, 2006

- 9.1 LANDS OF MAHONEY, 12139 Foothill Lane (102-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan of the new 5,373 square foot residence approved in September 2005 (staff-Brian Froelich) (CONTINUED FROM JULY 11, 2006)

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:52 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary